

Jul 02, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS MANZO,

Defendant.

NO. 2:07-CR-2042-LRS-2
2:07-CR-2071-LRS-1
2:07-CR-2088-LRS

**ORDER DENYING MOTION
TO REDUCE SENTENCE**

BEFORE THE COURT is Defendant's Motion To Reduce Sentence Pursuant To 18 U.S.C. §3582(c)(2) And The First Step Act of 2018. (ECF No. 877 in 2:07-CR-2042-LRS-2; ECF No. 644 in 2:07-CR-2071-LRS-1; and ECF No. 86 in 2:07-CR-2088-LRS).

Defendant contends he is eligible for relief pursuant to Section 402 of the First Step Act which broadened the safety valve provision of 18 U.S.C. § 3553(f) so as lessen the limitations on those qualifying for relief from statutory mandatory minimum sentences. In 2:07-CR-2042-LRS-2, Defendant was convicted of Distribution of a Controlled Substance charged in Count 10 of the Indictment, subjecting him to a mandatory minimum term of 10 years (120 months).

Defendant is not eligible for relief pursuant to Section 402 of the First Step Act. Section 402 applies only to a conviction entered on or after the date of the enactment of the First Step Act which is December 21, 2018. Defendant

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1 was convicted in April 2013. (See Amended Resentencing Judgment, ECF No.
2 785 in 2:07-CR-2042-LRS-2 and ECF No. 582 in 2:07-CR-2071-LRS-1).
3 Furthermore, a review of the Presentence Investigation Report shows that
4 Plaintiff has more than four criminal history points (Paragraph 217 in ECF No.
5 581 in 2:07-CR-2042-LRS-2, and in ECF No. 368 in 2:07-CR-2071-LRS-1),
6 including a prior three point offense (*Id.* at Paragraph 213). Either one of those
7 things would make him ineligible for relief under the safety valve provision as
8 amended by the First Step Act of 2018. See 18 U.S.C. § 3553(f)(1)(A) and (B).

9 Defendant's Motion To Reduce Sentence Pursuant To 18 U.S.C.
10 §3582(c)(2) And The First Step Act of 2018 (ECF No. 877 in 2:07-CR-2042-
11 LRS-2; ECF No. 644 in 2:07-CR-2071-LRS-1; and ECF No. 86 in 2:07-CR-
12 2088-LRS) is **DENIED**.

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter
14 this order and provide copies to Defendant and to the U.S. Attorney for the Eastern
15 District of Washington.

16 **DATED** this 2nd day of July, 2019.

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18 *s/Lonny R. Suko*

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LONNY R. SUKO
Senior United States District Judge